

SUPREME COURT
OF THE STATE OF WASHINGTON

KEMPER FREEMAN, JIM HORN, STEVE
STIVALA, KEN COLLINS, MICHAEL
DUNMIRE, SARAH RINDLAUB, AL
DEATLEY, JIM COLES, BRYAN
BOEHM, and EASTSIDE
TRANSPORTATION ASSOCIATION, a
Washington nonprofit corporation,

Petitioners,

v.

CHRISTINE O. GREGOIRE, a state officer
in her capacity as Governor of the State of
Washington, and PAULA J. HAMMOND, a
state officer in her capacity as Secretary of
the Washington State Department of
Transportation,

Respondents,

and

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY,

Intervenor.

NO. 83349-4

SECOND
STATEMENT OF
ADDITIONAL
AUTHORITIES

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
10 SEP 17 PM 1:30
BY RONALD R. CARRETER
CLERK

COME NOW the petitioners and submit the following authorities
pertaining to questions raised regarding the record and legal authorities in
the course of oral argument:

- Petitioners' reply on petition at 2, 6-7, 11, 13; opposition to
WSDOT's motion to dismiss at 1, 4, 5-8, 9 (petitioners and the

FILED AS
ATTACHMENT TO EMAIL

Second Statement of Additional Authorities - 1

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18010 Southcenter Parkway
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(206) 574-6661 (206) 575-1397 Fax

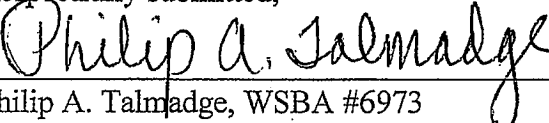
ORIGINAL

agencies specifically litigated question of petitioners' request for writ of mandamus as well as the constitutionality of the appropriation in section 204(3) of the 2009 budget on the valuation of Interstate 90 in connection with WSDOT 's motion to dismiss the petition);

- *State ex rel. Heavey v. Murphy*, 138 Wn.2d 800, 804-05, 982 P.2d 611 (1999) (statute requiring the state treasurer to deposit certain MVET revenues into motor vehicle fund was a mandatory duty and thus the Court could address the request for writ of mandamus in an original action);
- *Household Finance Corp. v. State*, 40 Wn.2d 451, 454, 244 P.2d 260 (1952) (this pre-APA case cited by respondents in support of their position in connection with scope of review by this Court of an agency's action provides that courts will review whether the agency acted arbitrarily, capriciously, or *contrary to law* (emphasis added)).

DATED this 17th day of September, 2010.

Respectfully submitted,


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DECLARATION OF SERVICE

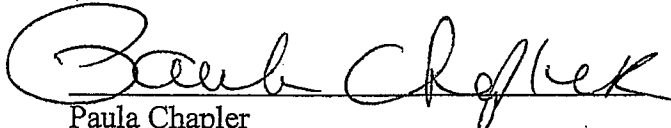
On said day below I emailed and deposited in the US Postal Service a true and accurate copy of Second Statement of Additional Authorities in Supreme Court Cause No. 83349-4 to the following parties:

| | |
|--|---|
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Original sent by email for filing with:
Washington Supreme Court
Clerks Office
415 12th Street W.
Olympia, WA 98504

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: September 17, 2010, at Tukwila, Washington.


Paula Chapler
Talmadge/Fitzpatrick